Sam:

I am writing to respond to your email of April 11, 2013. EPA appreciates that AES travelled to NY on December 17, 2012 and is potentially interested in resolving issues relating to the generation and handling of Agremax. EPA hopes that AES will continue to work with EPA to resolve these matters.

EPA is reviewing the comments that you sent to EPA on January 10, 2013, relating to the use of the Leaching Environmental Assessment Framework (LEAF) test to analyze the Agremax produced at the AES Guayama facility in Puerto Rico. Those January comments primarily focused on the application of the LEAF test and not on the test methods or methodology inherent in LEAF. EPA intends to respond to your January comments at a later time.

As to your comments in your April 11, 2013 email regarding EPA's publication of "Leaching Behavior of "AGREMAX" Collected From a Coal-Fired Power Plant in Puerto Rico" (EPA 600/R-12/724, December 2012), that report went through EPA's Office of Research and Development's (ORD) standard review process before being published in December 2012 and posted on ORD's website. That process included peer review by academic or technical experts in the field, as well as[1] quality assurance reviews. As is normally the case with technical reports that EPA produces, it is a public record and thus was posted on ORD's website for the benefit of the public. As such, we do not see a reason, at this time, to recommend to ORD that it take down that posting or withdraw the report.

As to LEAF, test methods 1313 and 1316 were published in SW-846 in September and October 2012, respectively, after being validated. Test methods 1314 and 1315, too, have gone through peer review and been validated, and will soon be added to SW-846. I am told that following the posting of methods 1314 and 1315, EPA will issue a Notice of Data Availability (NODA) that will be published in the Federal Register, seeking comments on these four methodologies. AES will be free to submit comments regarding these methodologies once the NODA is published.

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